

### REMARKS

Applicant submits this Amendment in response to the Office Action mailed February 8, 2005. Applicant has amended claim 12, and canceled claims 1-6 and 13-19 (without prejudice to re-presenting the subject matter of these claims at a later time). Claims 7-12 are currently pending. No new matter has been added.

In the Office Action, the Examiner has rejected claims 1-19 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,721,395 to Martinez (hereinafter "the Martinez patent"). As claims 1-6 and 13-19 have been cancelled, the rejection of these claims is now moot. Applicant traverses the rejections of claims 7-12, as further discussed below.<sup>1</sup>

Claim 7 recites a method that includes:

- receiving automatic route selection service information corresponding to a service subscriber; and
- selecting a method for implementing the automatic route selection service for the service subscriber, from a plurality of different implementation methods, as a function of type of telephone switch which serves as an end office switch for said service subscriber, a first one of the plurality of different implementation methods using a switch based automatic route selection table, a second one of the plurality of different implementation methods using a non-switch based automatic route selection table; and
- incorporating automatic route selection information used to implement the selected automatic route selection method into a call processing record accessible by a service control point.

The Martinez patent does not teach or suggest this method. For example, the Martinez patent does not teach or suggest "selecting a method for implementing the automatic route selection service for the service subscriber, from a plurality of different implementation methods, as a function of type of telephone switch which

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<sup>1</sup> As Applicant's remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicant's silence as to certain requirements applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references) is not a concession by Applicant that such requirements have been met, and Applicant reserves the right to analyze and dispute such in the future.

serves as an end office switch for said service subscriber,” as recited in claim 7. The Martinez patent describes ARS functionality provided using AIN in response to certain emergency calls, but does not describe selecting a method of implementing ARS service from a plurality of different implementation methods as a function of the type of telephone switch. As described in the Martinez patent, the method of providing the ARS functionality is the same regardless of the type of switch involved in the emergency call. For example, when describing the handling of emergency calls from both landline and mobile telephone systems, the Martinez patent provides not description (or suggestion) of any method that includes determining the originating switch type before selecting an ARS delivery method.

In the Office Action, the Examiner states that the Martinez patent teaches “selecting a method for implementing the automatic route selection service for the service subscriber, from a plurality of different implementation methods, as a function of type of telephone switch which serves as an end office switch for said service subscriber.” (Office Action, p. 2.) However, none of the references to the Martinez patent cited by the Examiner teach or suggest the determination of a subscriber’s switch type, nor can Applicant find any other description in the Martinez patent regarding such determination of switch type prior to implementing ARS functionality.

As a result of the absence of at least the aforementioned elements of claim 7 from the Martinez patent, Applicant believes claim 7 to be patentable over the Martinez patent, and respectfully requests that the Examiner withdraw the rejection of claim 7. As claims 8-11 depend from claim 7, and therefore include all of the limitations recited in claim 7, Applicant believes claims 8-11 to be patentable over the Martinez patent for at least the same reasons as claim 7, and therefore respectfully requests that the Examiner withdraw the rejections of claims 8-11.<sup>2</sup>

Claim 12 recites a system that includes:

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<sup>2</sup> As Applicant’s remarks with respect to the base independent claims are sufficient to overcome the Examiner’s rejections of all claims dependent therefrom, Applicant’s silence as to the Examiner’s assertions with respect to dependent claims is not a concession by Applicant to the Examiner’s assertions as to these claims, and Applicant reserves the right to analyze and dispute such assertions in the future.

a telephone switch coupled to a telephony device used by said subscriber; and

a service control point coupled to said telephone switch, the service control point including control logic used to access a non-switch based automatic route selection table as part of a service control point based automatic route selection service provided to said service subscriber, the service control point further comprising:

means for selecting a method for implementing the automatic route selection service for the service subscriber, from a plurality of different implementation methods, as a function of type of telephone switch which serves as an end office switch for said service subscriber, a first one of the plurality of different implementation methods using a switch based automatic route selection table, a second one of the plurality of different implementation methods using a non-switch based automatic route selection table.


The Martinez patent does not teach or suggest this system. For example, the Martinez patent does not teach or suggest “means for selecting a method for implementing the automatic route selection service for the service subscriber, from a plurality of different implementation methods, as a function of type of telephone switch which serves as an end office switch for said service subscriber,” as recited in claim 12. Similar to the case of claim 7, the Martinez patent does not describe any device or other means for selecting a method of implementing ARS service from a plurality of different implementation methods as a function of the type of telephone switch. As a result of the absence of at least these elements of claim 12 from the Martinez patent, Applicant believes claim 12 to be patentable over the Martinez patent, and respectfully requests that the Examiner withdraw the rejection of claim 12.

**CONCLUSION**

In view of the foregoing, Applicant respectfully submits that the pending claims are in condition for allowance. Reconsideration and allowance are respectfully requested. If there are any outstanding issues which need to be resolved to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned representative by phone at the number indicated below to discuss such issues. To the extent necessary, a petition for extension of time under 37 C.F.R. § 1.136 is hereby made, the fee for which should be charged to deposit account number 07-2347. With respect to this application, please charge any other necessary fees and credit any overpayment to that account.

Respectfully submitted,

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